

BILL NO. G-73-0117 (amended)

GENERAL ORDINANCE NO. G-73-0373

AN ORDINANCE dealing with Motor Vehicle Filling and Service Stations and Car Washes in the Central Business District and providing for penalties for the violation thereof and for the abatement of the same.

WHEREAS, the Central Business District of the City of Fort Wayne, Indiana consists of an area bounded on the north by Superior Street, on the east by Clay Street, on the south by the Penn Central Railroad embankment and on the west by Fairfield Avenue; and

WHEREAS, there already exists blight, and traffic congestion in said Central business district; and

WHEREAS, general plans for development of the Central Business District call for increased use and maintenance of the area as a financial, governmental, cultural, educational, entertainment, and retail center; and

WHEREAS, it is the intended and best plan for the Central Business District that automobiles are either parked, or moving smoothly in or out of the area, with minimum disruption of traffic flow; and

WHEREAS, there is a need for continuous traffic flow, the presence of Motor Vehicle Filling and Service Stations and Car Washes create traffic congestion and hazard, by permitting exit from and entrance to moving traffic; and

WHEREAS, there already exists traffic congestion in said Central Business District created by vehicles exiting from and entering into parking areas; and

WHEREAS, it is considered desirable to minimize the number of vehicles coming into the Central Business District; and

WHEREAS, it is the purpose of this Ordinance to regulate the location of motor vehicle filling and service stations and car washes, so as to cause minimum disruption of traffic and prevent concentration of motor vehicle filling and service stations, car washes ~~and other drive in business~~ as would tend to create additional congestion of traffic in the Central Business District.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA as follows:

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

SECTION 1. Definitions:

- (a) Central business district shall mean an area in the City of Fort Wayne, Indiana, bounded on the North by Superior Street, on the east by Clay Street, on

DATE 2/13/73 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

the South by the Penn Central railroad embankment
and on the west by Fairfield Avenue;

- (b) Vehicle filling and service station shall mean an establishment having one or more pumps, wherein a principal activity is the sale of motor fuel as directly dispensed to a consumer's vehicle;
- (c) Car wash shall mean an establishment wherein automobiles and other vehicular equipment are washed and cleaned either manually or automatically;

SECTION 2. Any motor vehicle filling and service station, or car wash which exists and is operation in the Central business district on February 9, 1978 may continue to so operate in said Central business district, provided, however:

- (a) If said motor vehicle filling and service station, or car wash is not open for business for a period of 180 consecutive days, or which is not operating for a lesser period, or which has intention to abandon operation as evidenced by removal of pumps or other facilities or if such other action is taken which would show intention to abandon operation, shall be considered abandoned and shall not be reopened for the prosecution of the business of a motor vehicle filling and service station or car wash in the Central business district.

SECTION 3. Except as permitted under Section 2 hereof it shall be unlawful for any person, firm or corporation for himself, or itself or as agent, renter or lessee to locate, build, erect, construct, maintain, install or operate any motor vehicle filling and service station or car wash, within the Central business district of the City of Fort Wayne, Indiana.

SECTION 4. Any motor vehicle filling and service station, or car wash, built, located, erected, constructed, maintained or installed or operated contrary to the provisions of this Ordinance is hereby declared a nuisance.

SECTION 5. Any person, firm or corporation or any agent, renter or lessee of any such person, firm or corporation who shall violate any of the provisions of this Ordinance shall be fined in the sum of \$100.00 for each offense, and each day that such motor vehicle filling and service station or car wash is maintained or operated contrary to the provisions of this Ordinance shall constitute a separate offense.

SECTION 6. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid, it shall be conclusively presumed this Ordinance would have been effective without such invalid section, clause, sentence, paragraph, part or provision.

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3 SECTION 7. This Ordinance shall be in full force and
4 effect from and after its passage, approval by the Mayor,
5 and legal publication thereof.
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7 _____
8 Councilman
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W. B. Lee

Approved as to form and legality
this 30 day of January, 1973.

By *John H. Logan*
John H. Logan, Attorney for
Common Council.

Read the first time in full and on motion by Stier, seconded by V. Schmidt, and duly adopted, read the second time by title and referred to the Committee on Public Works. (~~and to the City Plan Commission for recommendation~~) and Public Hearing to be held after due legal notice, at the Council Chambers, City County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date: 2/23/73

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Stier, seconded by V. Schmidt, and duly adopted, placed on its passage. Passed (~~lost~~) by the following vote:

	AYES <u>6</u>	NAYS <u>3</u>	ABSTAINED _____	ABSENT _____ to-wit:
BURNS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINGA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KRAUS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NUCKOLS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MOSES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHMIDT, D.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHMIDT, V.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TALARICO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date: 2-13-73

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~Zoning Map~~) (General) (~~Annexation~~) (Special) (Appropriation) Ordinance (~~Resolution~~) No. 12-03-73 on the 13 day of February, 1973.

ATTEST:
Charles W. Westerman
CITY CLERK

(SEAL)
Charles W. Westerman
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of February, 1973, at the hour of 2:00 o'clock A. M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 16th day of February, 1973, at the hour of 3:00 o'clock P. M., E.S.T.

Don A. Hawley
MAYOR

Bill No. G-73-01-17

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance
dealing with Motor Vehicle Filling and Service Stations and
Car Washes in the Central Business District and providing
for penalties for the violation thereof and for the abatement
of the same.

As Amended. We the Committee hereby recommend the
Do Pass as amended.

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance DO PASS.

James S. Stier - Chairman

Eugene Kraus, Jr. - Vice-Chairman

Samuel J. Talarico

William T. Hinga

Vivian G. Schmidt

James S. Stier
Eugene Kraus, Jr.

Vivian G. Schmidt

DATE 2-13-73 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

1
2
3 BILL NO. G-73-01- 17
4

5 GENERAL ORDINANCE NO. G-73-01-17

6 An ORDINANCE dealing with Motor Vehicle
7 Filling and Service Stations and Car Washes
8 in the Central Business District and providing
9 for penalties for the violation thereof and
10 for the abatement of the same.

11 WHEREAS, the Central business district of the City of Fort
12 Wayne, Indiana consists of an area bounded on the north by
13 Superior Street, on the east by Clay Street, on the south by the
14 Penn Central Railroad embankment and on the west by Fairfield
15 Avenue; and

16 WHEREAS, there already exists blight, and traffic
17 congestion in said Central business district; and

18 WHEREAS, it is the purpose of this Ordinance to regulate
19 the location of motor vehicle filling and service stations and
20 car washes so as to cause minimum disruption of traffic and to
21 prevent concentration of motor vehicle filling and service
22 stations as would tend to create blight and congestion in the
23 Central business district.

24 NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL
25 OF THE CITY OF FORT WAYNE, INDIANA as follows:

26 The following definitions shall apply in the inter-
27 pretation and enforcement of this Ordinance:

28 SECTION 1. Definitions:

29 (a) Central business district shall mean an area in
30 the City of Fort Wayne, Indiana, bounded on the
31 North by Superior Street, on the east by Clay
32 Street, on the south by the Penn Central railroad
33 embankment and on the west by Fairfield Avenue;

34 (b) Vehicle filling and service station shall
35 mean an establishment having one or more pumps,
wherein a principal activity is the sale of motor
fuel as directly dispensed to a consumer's vehicle;

(c) Car wash shall mean an establishment wherein
automobiles and other vehicular equipment are
washed and cleaned either manually or automatically.

SECTION 2. Any motor vehicle filling and service
station or car wash which exists and is operating in the Central
business district on March 14, 1973, ~~1973~~ may continue

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3 to so operate in said Central business district, provided,
4 however:

5 a) If said motor vehicle filling and service
6 station or car wash is not open for business
7 for a period of 60 consecutive days, or which
8 is not operating for a lesser period, has inten-
9 tion to abandon operation which is evidenced by
10 removal of pumps or other facilities or if such
11 other action is taken which would show intention
12 to abandon operation, shall be considered aban-
13 doned and shall not be reopened for the prose-
14 cution of the business of a motor vehicle filling
15 and service station or car wash in the Central
16 business district.

17
18 SECTION 3. Except as permitted under Section 2 hereof
19 it shall be unlawful for any person, firm or corporation for
20 himself, or itself or as agent, renter or lessee to locate,
21 build, erect, construct, maintain, install or operate any
22 motor vehicle filling and service station or car wash within
23 the Central business district of the City of Fort Wayne,
24 Indiana.

25 SECTION 4. Any motor vehicle filling and service station
26 or car wash built, located, erected, constructed, maintained or
27 installed or operated contrary to the provisions of this Ordinance
28 is hereby declared a nuisance.

29 SECTION 5. Any person, firm or corporation or any agent,
30 renter or lessee of any such person, firm or corporation who shall
31 violate any of the provisions of this Ordinance shall be fined
32 in the sum of \$100.00 for each offense, and each day that such
33 motor vehicle filling and service station or car wash is
34 maintained or operated contrary to the provisions of this Ordinance
35 shall constitute a separate offense.

SECTION 6. If any section, clause, sentence, paragraph,
part or provision of this Ordinance shall be held invalid, it shall
be conclusively presumed this Ordinance would have been effective
without such invalid section, clause, sentence, paragraph,
part or provision.

SECTION 7. This Ordinance shall be in full force and
effect from and after its passage, approval by the Mayor, and
legal publication thereof.

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James S. Stue
Councilman

Approved as to form and legality
this 22 day of January, 1973.

By: John H. Logan
John H. Logan, Attorney for
Common Council.

REQUEST FOR ACTION

To: City Attorney David B. Keller
or
Associate City Attorney John Logan

From: (Name, Title & Department) Councilman Vivian Schmidt

Approved by John Logan
(Person authorized to forward legal work)

Date: 1- 19-73

Subject: Central Business District Filling and Service Station &
(File subject designation) Car Washes

File # Assigned by Records Librarian

3044

Date: _____

Action Requested: For Passage

(Continue on reverse side, if necessary)

cc: City Attorney David B. Keller
(If request originally sent to an Associate City Attorney)
Mayor Ivan A. Lebamoff
Department Head of Requesting Party

DIGEST SHEETTITLE OF ORDINANCE generalDEPARTMENT REQUESTING ORDINANCE Councilman Vivian SchmidtSYNOPSIS OF ORDINANCE This will prevent further congestion andblight in the Central District and will assist the city in planning the
redevelopment of the Central Business District.

EFFECT OF PASSAGE

EFFECT OF NON-PASSAGE

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

ASSIGNED TO COMMITTEE (J.N.)

ORDINANCE CHECK-OFF SHEET

INFORMATION REGARDING ORDINANCE

CONTENTS OF ORDINANCE

BILL NO.	<i>D-73-01-17</i>
ORDINANCE NO.	<i>D-73 03-73</i>
REGULAR SESSION	<i>1-23-73</i>
SPECIAL SESSION	
APPROVED AS TO FORM AND LEGALITY	<i>J. Logan</i>
BILL WRITTEN BY	<i>V. Schmidt</i>
DATE INTRODUCED	<i>1-23-73</i>
REFERRED TO SAID STANDING COMMITTEE	<i>Public Works</i>
REFERRED TO CITY PLAN	
LEGAL PUBLIC HEARING	<i>Feb. 16, 1973</i>
LEGAL PUBLICATION	<i>Feb. 16, 1973</i>
JOINT HEARING	
DEPARTMENT HEARING	
HOLD FILE	
<input checked="" type="checkbox"/> PASS	<i>1-23-73</i>
DO NOT PASS	
WITHDRAWN	
SUSPENSION OF RULES	
PRIOR APPROVAL	
ORDINANCE TAKEN OUT OF OFFICE	
OTHER INSTRUCTIONS REGARDING ORDINANCE	
CORRECTIONS MADE TO ORDINANCE	
PEOPLE SPEAKING FOR ORDINANCE	
PEOPLE SPEAKING AGAINST ORDINANCE	

<input checked="" type="checkbox"/>	COMMITTEE SHEET
<input checked="" type="checkbox"/>	VOTE SHEET
	PURCHASE ORDERS
	BIDS
	ORDERS, BIDS OR OTHER PAPERS TAKEN OUT AND BY WHOM
	LETTER REQUESTING ORDINANCE DRAWN UP BY CITY ATTORNEY
	COMMUNICATIONS FROM
	ZONING MAPS
	ABSTRACTS
	TITLES
	PRIOR APPROVAL LETTER

*Digest check
Request for action*

COUNCILMAN'S VOTE *6-3*

	AYES	NAYS	ABSENT
BURNS	X	X	
HINGA		X	
KRAUS	X		
MOSES	X	X	
NUCKOLS		X	
D. SCHMIDT		X	
V. SCHMIDT	X		
STIER	X		
TALARICO	X		

COMMENTS:

This ordinance has been amended.

February 14, 1973

Miss Helen Libbing
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of February 16¹⁹ and 23, 1973, in both the News Sentinel and Journal Gazette.

26

RE: Legal Notice for Common Council
of Fort Wayne, Indiana -
Dealing with Motor Vehicle Filling
and Service Stations and Car
Washes in the Central Business
District - Bill No. G-73-01-17 (Amended)
General Ordinance No. G-03-73.

Please send us ^{Four} five (4) copies of the Publisher's Affidavit.

Thank you.

Sincerely,

Charles W. Westerman
City Clerk

CWW/ne
ENCL: 1

Date February 26, 1973
police station.

Larry E. Gerken
CLERK

Legal Notices

Notice is hereby given that on the 13th day of February, 1973, the Common Council of the City of Fort Wayne, Indiana, in a regular Session did pass the following Bill No. G-73-01-17 (amended) following G-50-73 General Ordinance, 16-wit:

BILL NO. G-73-01-18 (amended)
GENERAL ORDINANCE NO. G-03-73
ORDINANCE dealing with Motor Vehicle Filling and Service Stations and Car Washes in the Central Business District and providing for penalties for the violation thereof and for the abatement of the same.

WHEREAS, the Central Business District of the City of Fort Wayne, Indiana consists of an area bounded on the north by Superior Street, on the east by Clay Street, on the south by the Penn Central Railroad embankment and on the west by Fairfield Avenue; and

WHEREAS, there already exists, blight, and traffic congestion in said Central business district; and

WHEREAS, general plans for development of the Central Business District call for increased use and maintenance of the area as a financial, governmental, cultural, educational, entertainment, and retail center; and

WHEREAS, it is the intended and best plan for the Central Business District that car washes be either ported, or moved smoothly in or out of the area, with minimum disruption of traffic flow; and

WHEREAS, there is a need for continuous traffic flow, the presence of Motor Vehicle Filling and Service Stations and Car Washes create traffic congestion and hazard by permitting exit from an entrance to moving traffic; and

WHEREAS, there already exists traffic congestion in said Central Business District created by vehicles exiting from and entering into parking areas; and

WHEREAS, it is considered desirable to minimize the number of vehicles coming into the Central Business District; and

WHEREAS, it is the purpose of this Ordinance to regulate the location of motor vehicle filling and service stations and car washes so as to cause minimum disruption of traffic and prevent concentration of motor vehicle filling and service stations, or car washes as would tend to create additional congestion of traffic in the Central Business District.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA as follows:

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

SECTION 1. Definitions:

(a) Central business district shall mean an area in the City of Fort Wayne, Indiana, bounded on the North by Superior Street, on the east by Clay Street, on the south by the Penn Central railroad embankment and on the west by Fairfield Avenue.

(b) Vehicle filling and service station shall mean an establishment having one or more pumps, wherein a principal activity is the sale of motor fuel or directly dispensed to a consumer's vehicle;

(c) Car wash shall mean an establishment wherein automobiles and other vehicular equipment are washed and cleaned either manually or automatically;

SECTION 2. Any motor vehicle filling and service station, or car wash which exists and is operation in the Central business district on February 26, 1973 may continue to so operate in said Central business district provided, however:

(a) If said motor vehicle filling and service station, or car wash is not open for business for a period of 180 consecutive days, or which is not operating for a lesser period, or which has intention to abandon operation as evidenced by removal of pumps or other facilities or if such other action is taken which would show intention to abandon operation, shall be considered abandoned and shall not be required for the prosecution of the business of a motor vehicle filling and service station or car wash in the Central business district.

SECTION 3. Except as permitted under Section 2 hereof it shall be unlawful for any person, firm or corporation for himself, or itself or as agent, renter or lessee to locate, build, erect, construct, maintain, install or operate any motor vehicle filling and service station or car wash, within the Central business district of the City of Fort Wayne, Indiana.

SECTION 4. Any motor vehicle filling and service station, or car wash, built, located, erected, constructed, maintained or installed or operated contrary to the provisions of this Ordinance is hereby declared a nuisance.

SECTION 5. Any person, firm or corporation or any agent, renter or lessee of any such person, firm or corporation who shall violate any of the provisions of this Ordinance shall be fined in the sum of \$100.00 for each offense, and each day that such motor vehicle filling and service station or car wash is maintained or operated contrary to the provisions of this Ordinance shall constitute a separate offense.

SECTION 6. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid, it shall be conclusively presumed this Ordinance would have been effective without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.

JAMES STIER

Councilman

Read the third time in full and on motion by Sher seconded by V. Schmidt, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Six

Burns, Kraus, Moses, V. Schmidt,

Stier, Talarico

Nays: Three

Hingo, Nuckols, D. Schmidt

Date: 2-13-73

CHARLES W.

WESTERMAN,

City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, General Ordinance No. G-03-73 on the 13th day of February, 1973. Attest: CHARLES W. WESTERMAN WINFIELD C. MOSES,

City Clerk

Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of February, 1973, at the hour of 10:00 o'clock a.m., E.S.T. CHARLES W. WESTERMAN

City Clerk

Approved and signed by me that 14th day of February 1973 at the hour of 3:00 o'clock p.m. E.S.T. IVAN A. LEBAMOFF

Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-03-73 passed by the Common Council on the 13th day of February, 1973, and that said Ordinance was duly signed and approved by the Mayor on the 14th day of February, 1973 and now remains on file and on record in my office. WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 14th day of February, 1973.

CHARLES W. WESTERMAN

2-19-26

PUBLISHER'S AFFIDAVIT

State of Indiana
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned LARRY E. GERKEN who, being duly sworn, says that he is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

February 19, 1973

February 26, 1973

Subscribed and sworn to before me this 28th day of February 1973

Notary Public

My commission expires October 28, 1975

To JOURNAL-GAZETTE Dr

FORT WAYNE, INDIANA

LINE COUNT

Total number of lines in notice

$$\begin{array}{r} \\ - \\ \hline 180 \\ 1 \\ \hline 181 \end{array}$$

52.13

Charge for extra proofs of publication (50 cents for each proof in excess of two)

(2) 1.00

TOTAL AMOUNT OF CLAIM

53.13

Size of type $5\frac{1}{2}$ point

Number of insertions.....2.....

Size of quad upon which type is cast. 5 $\frac{1}{8}$

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date. February 28, 19 73
6 _____
 _____ police station

Title _____ CLERK

State of Indiana } ss:
ALLEN County

Personally appeared before me, a notary public in and for said county and state, the undersigned LARRY E. GERKEN who, being duly sworn, says that he is CLERK of the JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, ^{town} and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

February 19, 1973

February 26, 1973

Subscribed and sworn to before me this 28th day of February 1973

My commission expires October 25, 1975 Notary Public

Notary Public

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date February 28, 19 73

Title Clerk

Legal Notices

Legal Notices

Legal Notices

Notice is hereby given that on the 12th day of February, 1973, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Ordinance, to-wit: G-52-73 (amended) following G-52-73 General Ordinance No. G-52-73 (amended) BILL NO. G-73-9-18 (amended)

GENERAL ORDINANCE NO. G-52-73
AN ORDINANCE dealing with Motor Vehicle Filling and Service Stations and Car Washes in said Central Business District and providing for penalties for the violation thereof and for the abatement of the same.

WHEREAS, the Central Business District of the City of Fort Wayne, Indiana consists of an area bounded on the north by Superior Street on the east by the South Main Street by the Penn Central Railroad embankment and on the west by Fairfield Avenue; and

WHEREAS, there already exists, blight, and traffic congestion in said Central Business District; and

WHEREAS, general plans for development of the Central Business District call area as a financial, governmental, cultural, educational, entertainment, and retail center; and

WHEREAS, it is the intended and best plan for the Central Business District that automobiles are either parked, or moving in the area, with minimum disruption of traffic flow; and

WHEREAS, there is a need for continuous filling and service stations and car washes to create traffic congestion and hazardous conditions for the movement of traffic; and

WHEREAS, there already exists traffic congestion in said Central Business District from vehicles exiting from and entering the parking areas; and

WHEREAS, it is considered desirable to minimize the number of vehicles coming into the Central Business District; and

WHEREAS, it is the purpose of this Ordinance to regulate the operation of motor vehicle filling and service stations, and car washes so as to cause minimum disruption of traffic and prevent concentration of motor vehicle filling and service stations, or car washes as would tend to create additional congestion of traffic in the Central Business District.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA as follows:

SECTION 1. Definitions.

(a) Central business district shall mean an area in the City of Fort Wayne, Indiana, bounded on the north by Superior Street, on the east by City Street, on the South by the Penn Central Railroad embankment and on the west by Fairfield Avenue; and

(b) vehicle filling and service station shall mean an establishment having one or more pumps, wherein a price is charged for the use of motor fuel or directly discharges to a consumer's vehicle.

(c) Car wash shall mean an establishment wherein automobiles and other vehicular

equipment are washed and cleaned either manually or automatically;

SECTION 2. Any motor vehicle filling and service station, or car wash which exists in the Central Business District on February 28, 1973, may continue to operate in said Central Business District; provided, however:

(a) If said motor vehicle filling and service station or car wash is not open for business for a period of 180 consecutive days, or which has intention to abandon, or which has intention to abandon, pumps or other facilities or if such intention is taken which would show intention to abandon, it shall not be considered abandoned and shall not be removed from the premises of the station or car wash in the Central Business District.

SECTION 2. Except as permitted under Section 2 hereof it shall be unlawful for any firm, firm or corporation for himself, or his agent, or agent, or lessee to locate, erect, construct, maintain, install or operate any motor vehicle filling and service station or car wash, within the Central Business District of the City of Fort Wayne, Indiana.

SECTION 4. Any motor vehicle filling and service station, or car wash, built, located, erected, constructed, maintained or operated in violation of the provisions of this Ordinance is hereby declared to be a nuisance.

SECTION 5. Any person, firm or corporation or any agent, renter or lessee of such premises, firm or corporation, who shall violate any of the provisions of this Ordinance shall be fined the sum of \$100.00 for each offense, and each day of such motor vehicle filling and service station or car wash is maintained or operated in violation of the provisions of this Ordinance shall constitute a separate offense.

SECTION 6. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid, it shall be conclusively presumed that this Ordinance would have been effective without such invalid part or provision.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and publication thereof.

JAMES STIER
Councilman
Read the third time in full and on motion by Stier seconded by V. Schmidt, and duly adopted, placed on its passage. PASSED by Ayes: Six

Nays: Three
Hingo, Nuckolls, O. Schmidt

CHARLES W. WESTERMAN
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, General Ordinance No. G-52-73 on the 13th day of February, 1973. Attest: CHARLES W. WESTERMAN, WINFIELD C. MOSES, Jr.

City Clerk Presiding Officer
Presented by me to the Mayor of the City

of Fort Wayne, Indiana, on the 14th day of February, 1973, at the hour of 1:30 o'clock a.m. E.S.T. CHARLES W. WESTERMAN, City Clerk

Approved and signed by me this 16th day of February, 1973, at the hour of 3:30 o'clock p.m. E.S.T. IVAN A. LESBAMOFF, Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a true and complete copy of General Ordinance No. G-52-73 passed by the Common Council on the 12th day of February, 1973, and that said Ordinance was signed and approved by the Mayor on the 14th day of February, 1973 and now remains on file and on record in my office of the City of Fort Wayne, Indiana, this 16th day of February, 1973.

CHARLES W. WESTERMAN

2-19-26

February 26, 1973

and sworn to before me this 28th day of February, 19 73
Charles W. Westerman
Notary Public

My commission expires October 25, 1975

Chas. Westerman

in and for said county and state, the
who, being duly sworn, says
of the

general circulation printed and published

FORT WAYNE, INDIANA

matter attached hereto is a true copy,
time 5, the dates of publication being

1973

To.....NEWS-SENT INEL.....Dr.....

FORT WAYNE, INDIANA

LINE COUNT

Head	number of lines
1	1
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COMPUTATION OF CHARGES

181 lines.....columns wide equals.....equivalent lines at .288¢
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)	(2)	<div style="border-top: 1px solid black; display: inline-block; width: 100%;">1.00</div>
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TOTAL AMOUNT OF CLAIM

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type..... $5\frac{1}{2}$point

Number of insertions 2

Size of quad upon which type is cast..... $5\frac{1}{2}$

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

G. M. Hartman

Date February 28, 19 73

Title Clerk

Legal Notices

Notice is hereby given that

PUBLISHER'S AFFIDAVIT

Indiana } ss:
County }

I have personally appeared before me, a notary public in and for said county and state, the undersigned.....A. M. Hostman.....who, being duly sworn, says that she is.....Clerk.....of the

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, ^{town} and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 times, the dates of publication being as follows:

February 19, 1973

February 26, 1973

Subscribed and sworn to before me this 23th day of February 19 73

My commission expires October 25, 1975